

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JUDITH SIZEMORE,**

**Plaintiff,**

**v.**

**No. CIV-04-00272 JP/DJS**

**STATE OF NEW MEXICO,  
NEW MEXICO DEPARTMENT OF LABOR,**

**Defendants.**

**PLAINTIFF'S UNOPPOSED MOTION TO CONTINUE  
HEARING SET FOR MAY 5, 2005**

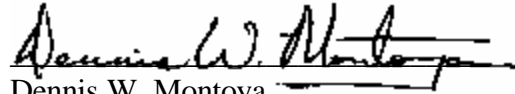
**PLAINTIFF, JUDITH SIZEMORE**, by and through her attorney of record, Dennis W. Montoya, hereby moves for a continuance of the hearing set for May 5, 2005, at the hour of 11:00 am.

**AS GROUNDS IN SUPPORT** of her motion, Plaintiff states:

1. Counsel is scheduled to appear in a settlement conference before Judge Scott beginning at 9:00 am on May 5, 2005.
2. Counsel for Defendant is scheduled for Oral Argument in the Tenth Circuit Court of Appeals in Denver Colorado on May 6<sup>th</sup> and will be leaving immediately after the scheduled settlement conference.
3. Counsel for the Defendant RIC has been contacted and is opposed to the relief requested. Counsel for Defendants Department of Labor, et al, takes no position on the Plaintiff's request.

**WHEREFORE**, Plaintiff respectfully moves the Court to vacate the hearing set for May 5, 2005, herein, and reschedule to a later date.

Respectfully Submitted:



Dennis W. Montoya  
Attorney for Judith Sizemore  
P.O. Box 15235  
Rio Rancho NM 87174-0235

(505) 246-8499  
(505) 246-8599 facsimile

Opposed:

*(Telephonic Approval 5-04-05)*

---

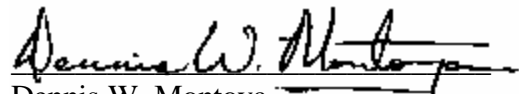
William C. Madison, Esq.  
Shannon Parden  
Madison Harbour Mroz & Brennan, PA

**I HEREBY CERTIFY** that a true and correct  
copy of the foregoing was faxed and mailed  
to:

William C. Madison, Esq.  
Shannon Parden  
Madison Harbour Mroz & Brennan, PA  
PO Box 25467  
Albuquerque, NM 87125-5467  
(505) 242-2177

Ellen S. Casey  
Peter Burman  
Hinkle, Hensley, Shanor & Martin, LLP  
Post Office Box 2068  
Santa Fe, New Mexico 87504-2068

this 4<sup>th</sup> day of May 2005.



Dennis W. Montoya